

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8379 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
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IBRAHIM GAFURBHAI VORA

Versus

DIVISIONAL CONTROLLER

Appearance:

1. Special Civil Application No. 8379 of 1999
MR JS BRAHMBHATT for Petitioner No. 1
MR YOGESH S LAKHANI for Respondent No. 1
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 08/05/2002

ORAL JUDGEMENT

Heard Mr.J.S.Brambhattach, learned advocate appearing on behalf of the petitioner and Ms.Krina Thakkar with Mr.Y.S.Lakhani, learned advocate for respondent Corporation.

The grievance of the petitioner in this petition is that the award passed by the labour court, Nadiad in Reference No.18/87 dated 25th June, 1994, wherein the labour court has granted reinstatement with full backwages with effect from 4th January, 1985 with continuity of service. Learned advocate Mr.Brambhatt has submitted that full backwages with effect from 4th January, 1985 has been paid by the respondent corporation to the petitioner workman. However, he submits that no petition is pending challenging the award in question nor any such petition is preferred by the respondent Corporation. Learned advocate Mr.Brambhatt has also submitted that in pursuance of the implementation of the award in question, the respondent - Divisional Controller of S.T.Corporation Nadiad has issued order No.461 / 1998 dated 26th May, 1998, wherein fixation has been given effect without including increments of interim period while paying backwages of the interim period. Mr.Brambhatt, learned advocate has also submitted that the petitioner workman has served legal notice to the Division Controller, Nadiad dated 26th October, 1998 but no response has been given by the respondent Corporation. Learned advocate Ms.Krina Thakkar for respondent Corporation has submitted that the respondent Corporation will full implement the award in question, if not so far implemented and after examining the notice, will pass appropriate order within some reasonable time.

In view of above submissions of learned advocates for parties, it is directed to the petitioner Corporation to consider the legal notice dated 26th October, 1998 served by the petitioner workman and to pass appropriate orders in terms of the award and in accordance with law within period of two months from the date of receiving the copy of this order.

In view of above observations and directions, present petition is disposed of accordingly. Rule discharged. No order as to costs. D.S. permitted.

Date : 5-5-2002 [H.K. Rathod, J.]

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